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AC SQUARE, INC., AFSHIN GHANEH,
ANDREW BAHMANYAR

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DANIEL KEATING-TRAYNOR on
behalf of himself and all others similarly
situated,

Plaintiff,

v.

AC SQUARE, INC.; COMCAST INC.;
AFSHIN GHANEH; ANDREW
BAHMANYAR; and DOES 1 THROUGH
60, inclusive,

Defendant.

Case Nos.: 08-cv-2907 MHP;
08-cv-3035 MHP

**[CALIFORNIA ACTION NO. CIV 464144
(CONSOLIDATED BY ORDER OF
COURT WITH CIV 473571)]**

**STIPULATION TO DISMISS FEDERAL
COURT ACTION CASE NO. 08-CV-2907
AND EXTEND TIME TO RESPOND TO
AMENDED CONSOLIDATED
COMPLAINT IN CASE NO. 08-CV-3035**

The parties, by and through their respective counsel, hereby stipulate and agree as follows:

1. On June 11, 2008, Plaintiff filed an action in Federal Court, Case No. 08-CV-2907, containing two causes of action under the Fair Labor Standards Act.

2. On August 11, 2008, Plaintiff filed an Amended Consolidated Complaint in Federal Court, Case No. 08-CV-3035, containing 11 causes of action, including the two causes of action under the Fair Labor Standards Act in the previously filed action in Federal Court, Case No. 08-CV-2907.

3. Because the Amended Consolidated Complaint encompasses all of the causes of action in the earlier filed action, Case No. 08-CV-2907, Plaintiff hereby agrees and stipulates to dismiss the complaint in Case No. 08-CV-2907 with prejudice, based on stipulation of the parties,

STIPULATION TO DISMISS CASE NO. 08-CV-2907 MHP AND EXTEND TIME TO RESPOND TO
PLAINTIFF'S AMENDED CONSOLIDATED COMPLAINT IN CASE NO. 08-CV-3035 MHP

1 pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

2 4. The parties stipulate that this dismissal of Case No. 08-CV-2907 shall have no
3 effect on Plaintiff's right to pursue his claims, individually or as a putative class representative in any
4 of the three actions already filed, including whether any of them remain in federal court or not and/or
5 are or remain consolidated or not.

6 5. Pursuant to Local Rule 6-1(a), the parties hereby agree that Defendants' time
7 to file responsive pleadings to Plaintiff's Amended Consolidated Complaint shall be extended until
8 ten (10) days after the first case management conference to be held on September 15, 2008, or
9 September 25, 2008.

10 6. All pending motions to dismiss will be heard on September 15, 2008, as set
11 forth in the Court's August 15, 2008 Order.

12 Dated: August 21, 2008

13
14 _____/s/
15 RONALD A. PETERS
16 BENJAMIN EMMERT
17 LITTLER MENDELSON
18 A Professional Corporation
19 Attorneys for Defendants
20 AC SQUARE, INC., AFSHIN GHANEH,
21 ANDREW BAHMANYAR

22 Dated: August 21, 2008

23
24 _____/s/
25 DARYL S. LANDY
26 ANN MARIE REDING
27 MORGAN, LEWIS & BOCKIUS, LLP
28 Attorneys for Defendant COMCAST

1 Dated: August 21, 2008

2
3 /s/
4 DANIEL BERKO
5 LAW OFFICE OF DANIEL BERKO
6 Attorneys for Plaintiffs, DANIEL KEATING-
7 TRAYNOR on behalf of himself and all others
8 similarly situated

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